

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 1999-010293

09/18/2003

HONORABLE REBECCA A. ALBRECHT

CLERK OF THE COURT
N. Greene
Deputy

FILED: 09/23/2003

PAULINE SHUMWAY, et al.

DAN CAMPBELL

v.

NEWELL SPENCER SHUMWAY JR., et al.

JAMES B ROLLE

STEPHEN E CROFTON
NEIL SINGH

MINUTE ENTRY

11:00 a.m. In Chambers: This is the time set for a Status Conference. Plaintiff is represented telephonically by counsel, Neil Singh. Defendants are represented telephonically by counsel, Stephen E. Crofton and James Rolle.

No court reporter is present.

Discussions are held regarding continuing the trial date.

IT IS ORDERED vacating the Pretrial Management Conference set for December 10, 2003 and the trial date of December 15, 2003.

IT IS FURTHER ORDERED extending the deadline for the Deposition to be completed on or before December 5, 2003.

IT IS FURTHER ORDERED all rebuttal reports shall be disclosed on or before December 28, 2003.

The remainder of this Court's orders remain in effect with regard to the deposition of Mr. Semple and the rebuttal opinion.

IT IS FURTHER ORDERED as follows:

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1. Resetting this matter for Trial to a Jury on **March 22, 2004 at 9:30 a.m.**, before Judge Rebecca A. Albrecht, 101 West Jefferson, 4th Floor, Courtroom 411, Phoenix, AZ 85003.

2. Setting a Pretrial Management Conference on **March 12, 2004 at 8:30 a.m.**

Estimated length of trial: **4days.**

THIS IS A FIRM TRIAL SETTING.

3. No less than ten (10) judicial days prior to trial, counsel (or the parties) shall file:

A. The joint pretrial statement shall be filed in accordance with Rule 16(d), Rules of Civil Procedure. In addition, to the information required by Rule 16, counsel are to identify in/with the joint pretrial statement all deposition or other transcribed testimony that may be offered at trial, other than for impeachment. The proposed testimony is to be identified by reference to page and line numbers. Objections, if any, to such testimony, and the reasons for such objections, are also to be set forth.

B. Requested jury instructions¹, and any voir dire questions.

C. Any trial memoranda (optional), which will be in lieu of post-trial briefs unless otherwise requested by the court at the conclusion of the trial.

D. Motions in limine, which meet the test of State v. Superior Court, 108 Ariz. 396, 499 P.2d 152 (1972): "The primary purpose of a motion in limine is to avoid disclosing to the jury prejudicial matters which may compel a mistrial."

E. Proposed findings of fact and conclusions of law (if a request for findings of fact and conclusions of law has been or will be filed).

F. Jointly completed time and witness estimate form (Attached).

4. Written response to a motion in limine may be filed no later than five (5) judicial days before trial. No reply shall be filed. The Court will rule without oral argument.

5. All other motions (except motions in limine) shall be filed no later than **January 22, 2004**. This is in order so all motions can be scheduled, briefed, argued and decided prior to trial.

6. At least five (5) judicial days before the trial, the trial lawyers or their knowledgeable assistants shall make an appointment to meet with the clerk of this division, to present all exhibits and a list of exhibit descriptions. The exhibits shall be marked serially as

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they are listed in the pretrial statement – Plaintiff’s first, Defendant’s second. The parties shall advise the clerk, referring specifically to the pretrial statement, which exhibits may be marked directly in evidence. All exhibits will be clearly labeled by counsel to correspond with the list provided. Counsel are directed to meet in person to exchange the exhibits before coming to court for the appointment with the clerk. Counsel will make sure that they do not bring to the clerk a Plaintiff’s set of exhibits and a Defendant’s set of exhibits that include duplicate exhibits. Counsel should not reserve exhibit numbers for “all Defendant’s exhibits,” “all Plaintiff’s exhibits,” “miscellaneous demonstrative exhibits,” and the like. Counsel shall also present original depositions for filing at that time. For additional questions regarding exhibits, contact the clerk in this division at 602-506-8846.

7. Opinions of experts fairly sought and revealed in deposition or other discovery shall not be supplemented at trial.

8. The witness and exhibit lists shall contain no surprises; any information sought by other discovery devices and revealed for the first time on the witness or exhibit lists will be inadmissible at trial.

9. All documents and pleadings described above shall be delivered or telefaxed to opposing counsel on the date they are delivered to the court.

* * *

**NOTE: This court holds trial Monday through Thursday.
Generally, the daily hours are:**

9:30 a.m. to 12:00 p.m.

1:30 p.m. to 4:30 p.m.

¹

SUBMISSION OF PROPOSED JURY INSTRUCTIONS

If counsel request any of the Recommended Arizona Jury Instructions, the instruction does not have to be typed in its entirety. Rather, counsel should submit the instruction in the following manner:

[i.e.--in civil cases]:

RAJI Standard 1- Duty of Jurors

RAJI Standard 3- Arguments of Counsel

RAJI Negligence 1- Statement of Issues as to Liability

AS FOR NON-RAJI INSTRUCTIONS, these should be typed, each on a separate page with a heading [i.e.: Plaintiff’s Instruction No.2 etc.], and provide authority for the instruction.

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Number each instruction consecutively, rather than leaving a blank space for someone else (such as the court) to number. The non-RAJI instructions should also be submitted on a disk in Word 97/Windows format.

If there are any questions, feel free to call.

PLEASE NOTE: **E-Courtroom Policies**

Courtroom 411 is one of the new “e-courtrooms” and provides state of the art equipment for case presentation. Please note the following provisions:

1. The e-courtroom uses electronic recording to preserve the record. If you wish to have a court reporter present for the duration of your trial, you must notify the court at least 72 hours prior to the beginning of trial.
2. If you do not wish to use the services of a court reporter, but would like a recording of your presentation, please provide the court with an **unopened** VHS video tape. A specific type of video tape must be used for this system in order to ensure the most reliable record: Fuji Super HG 120 VHS SNG T-120 or equivalent. Tapes are available in the *Change of Venue* sundries store in the cafeteria.
3. If you would like some pre-trial instruction on using any of the equipment in this courtroom, please contact the division at (602) 506-3727.

All equipment will be ready for use upon arrival of the parties. If for some reason it isn't, please contact court staff for assistance. Do not attempt to set up the court equipment by yourself! In addition, please do not unplug, move, or in any way alter any of the equipment, microphones, cameras, etc. in the courtroom.

ATTACHED: Time Estimates Form.

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CAUSE NUMBER _____

CASE CAPTION _____

PLAINTIFF'S COUNSEL _____

DEFENDANT'S COUNSEL _____

(NOTE : Add additional lines as needed for additional parties and or witnesses.)

TIME ESTIMATES FOR TRIAL

Opening Statement and Closing Argument

PLAINTIFF'S OPENING STATEMENT	
DEFENDANT'S OPENING	
PLAINTIFF'S CLOSING	
DEFENDANT'S CLOSING	
PLAINTIFF'S REBUTTAL	

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Estimate of Time for Witness Examination

PLAINTIFF'S WITNESSES	DIRECT EXAMINATION	CROSS EXAMINATION	REDIRECT EXAMINATION

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Estimate of Time for Witness Examination

DEFENDANT'S WITNESSES	DIRECT EXAMINATION	CROSS EXAMINATION	REDIRECT EXAMINATION

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CASE CAPTION:

TIME ESTIMATES

The foregoing are based on the best estimates of counsel of the time reasonably needed to complete the necessary examination of the witnesses listed.

Counsel for Plaintiff

Counsel for Defendant
